

## Message Text

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PAGE 01 TOKYO 00342 090916Z

15

ACTION STR-04

INFO OCT-01 EA-07 IO-11 ISO-00 STRE-00 FEA-01 AGR-05

CEA-01 CIAE-00 COME-00 DODE-00 EB-07 FRB-03 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02

OMB-01 /099 W

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P R 090826Z JAN 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 5969

INFO USDEL MTN GENEVA

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DEPT PASS STR AND AGRICULTURE FOR HUME

E.O. 11652: N/A

TAGS: ETRD MTN EPAP

SUBJ: JAPANESE IMPORT RESTRICTIONS ON AMERICAN LEMONS

REF: STATE 300976: TOKYO 274

1. SECOND NORTH AM AFFS DIV DIR SAITO CALLED IN ECON  
COUNSELOR ON JANUARY 9 TO HAND OVER HIS MINISTRY'S TALKING  
PAPER ON APPLICATION OF FUNGICIDES TO IMPORTED CITRUS.  
SAITO EXPLAINED THAT THE PAPER SET FORTH THE ANSWER OF  
HIS MINISTRY TO OUR REQUEST THAT THE JAPANESE FOLLOW THE  
CODEX ALIMENTARIUS IN INSPECTION OF IMPORTS. HE SAID  
THAT THE MINISTRY OF HEALTH AND WELFARE WAS AWARE OF THE PAPER  
BUT DID NOT NECESSARILY CONCUR IN ALL OF IT.

2. SAITO NOTED THAT USDA REPRESENTATIVES IN WASHINGTON  
HAD SAID THAT TESTING STANDARDS FOR MUTAGENICITY DID NOT  
EXIST AND THEREFORE IT WOULD BE DIFFICULT TO PROVIDE  
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PAGE 02 TOKYO 00342 090916Z

MUTAGENICITY FINDINGS. SAITO SAID HE BELIEVED THIS POINT

SHOULD BE DISCUSSED FURTHER AT THE EXPERT LEVEL AND THAT THE SUBMISSION OF WHATEVER INFORMATION IS AVAILABLE ON MUTAGENICITY OF OPP AND TBZ TO THE FOOD SANITATION COUNCIL OF JAPAN WOULD BE USEFUL IN GETTING THIS ISSUE OFF DEAD CENTER. HE SEEMED FIRMLY CONVINCED THAT THE COUNCIL WOULD NOT EVEN CONSIDER THE CASE UNLESS SOMETING IS PROVIDED BUT LEFT THE IMPRESSION THAT COUNCIL MIGHT NOT NECESSARILY REQUIRE TOTALLY CONCLUSIVE SCIENTIFIC EVIDENCE BEORE MAKING A DECISION.

3. SAITO POINTED OUT PARA 5 OF THE TALKING PAPER AND SAID THAT SAMPLE INSPECTION OF CITRUS IMPORTS WOULD BEGIN ON JANUARY 15. WE BELIEVE THAT THIS WILL MAKE IMPORT PROCESSING EASIER AND QUICKER, BUT THAT LEMONS TREATED WITH OPP OR TBZ WILL STILLBE REJECTED.

4. FULL TEXT OF FONMIN TALKING PAPER FOLLOWS: BEGIN TEXT:

1. HE USE OF THREE KINDS OF FUNGICIDES, NAMELY OPP, TBZ AND DIPHENYL IS ALLOWED IN THE UNITED STATES TO PREVENT DECOMPOSITION OF CITRUS. IN JAPAN, HOWEVER, THE USE OF ONLY DIPHENYL IS OFFICIALLY ALLOWED, AND THE USE OF OTHER TWO FUNGICIDES IS PROHIBITED. IN ORDER TO ALLOW THE USE OF A NEW FOOD ADDITIVE, IT IS LEGALLY REQUIRED IN JAPAN TO REFER THE MATTER TO THE FOOD SANITATION INVESTIGATION COUNCIL, AN ADVISORY BODY OF THE MINISTER OF WELFARE AND HEALTH, WHICH IS AN ENTITY INDEPENDENT OF THE ADMINISTRATION, AND TO GET THE APPROVAL OF THE COUNCIL. ACCORDING TO THE REGULATION SET FORTH BY THE COUNCIL, DATA REGARDING MUTAGENICITY SHOULD BE SUBMITTED TO THE COUNCIL, IF THE INVESTIGATION BY THE COUNCIL IS TO BE INITIATED AT ALL. THE GOVERNMENT OF JAPAN THEREFORE REQUESTED THE GOVERNMENT OF THE UNITED STATES LAST NOVEMBER TO PROVIDE THE DATA OF OPP AND TBZ REGARDING MUTAGENICITY.

2. WE UNDERSTAND THAT THE GOVERNMENT OF THE UNITED STATES DOES NOT POSSESS ANY RELEVANT DTA ON MUTAGENICITY. HOWEVER, JAPANESE EXPERTS ARE OF THE VIEW THAT NECESSARY DATA LIMITED OFFICIAL USE

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PAGE 03 TOKYO 00342 090916Z

CAN BE PREPARED IN 7 TO 8 MONTHS. IT SEEMS, THERFORE, HIGHLY USEFUL TO HOLD CONSULTATIONS BETWEEN THE EXPERTS OF THE TWO COUNTRIES WITH A VIEW TO DISCUSSING METHODS FOR THE PREPARATION OF SUCH DATA, ETC. THIS IS THE REASON WHY THE GOVERNMENT OF JAPAN HAS PROPOSED TO THE GOVERNMENT OF THE UNITED STATES TO HOLD SUCH CONSULTATIONS AT AN EARLY DATE.

3. THE GOVERNMENT OF JAPAN REGARDS THIS SUBJECT AS A PURELY SCIENTIFIC AND TECHNOLOGICAL PROBLEM. IT SHOULD BE STRESSED IN THIS CONTEXT THAT ECONOMIC FACTORS SUCH AS THE PROTECTION OF DOMESTIC PRODUCERS ARE TOTALLY OUT OF CONSIDERATION IN DEALING WITH THIS SUBJECT. IT CAN BE ASSURED THAT AS SOON AS NECESSARY DATA ARE READY THIS SUBJECT WILL BE IMMEDIATELY REFERRED TO THE COUNCIL, WHICH WILL MAKE ITS JUDGEMENT SOLELY FROM A SCIENTIFIC STANDPOINT.

4. THE MINISTRY OF FOREIGN AFFAIRS NOTES WITH SYMPATHY THE REQUEST BY THE GOVERNMENT OF THE UNITED STATES THAT THE CODEX ALEMENTARIUS BE ACCEPTED ALSO IN JAPAN, AS THE CODEX IS WIDELY ACCEPTED INTERNATIONALLY, AND TRANSMITTED THIS SENSE OF SYMPATHY TO THE MINISTRY OF WELFARE AND HEALTH. IT SHOULD BE POINTED OUT, HOWEVER, THAT THE ACCEPTANCE BY JAPAN OF THE CODEX ALMENTARIUS WHICH ADMITS THE USE OF OPP AND TBZ REQUIRES IN THE FIRST PLACE THE APPROVAL BY THE COUNCIL OF OPP AND TBZ. THE MINISTRY OF FOREIGN AFFAIRS DOES NOT HAVE THE COMPETENCE TO INTERVENE IN THE PROBLEMS PERTAINING TO TECHNICAL ASPECTS OF FOOD ADDITIVES. FURTHERMORE, SINCE THE GENERAL PUBLIC OF JAPAN IS EXTREMELY SENSITIVE TO THE PROBLEM OF FOOD ADDITIVES, PARTICULARLY THOSE INVOLVING MUTAGENICITY, THE MINISTRY OF FOREIGN AFFAIRS IS NOT IN A POSITION TO REQUEST THE RELATED BODIES IN THE GOVERNMENT TO IGNORE THE REGULATION OF THE COUNCIL AND TO START THE INVESTIGATION OF OPP AND TBZ WITHOUT DATA ON MUTAGENICITY.

5. THE GOVERNMENT OF JAPAN INTENDS TO TAKE EVERY POSSIBLE MEASURE, INCLUDING THE INTRODUCTION OF THE SAMPLE EXAMINATION OF FRUITS INSTEAD OF THE EXAMINATION ON A LIMITED OFFICIAL USE

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PAGE 04 TOKYO 00342 090916Z

SHIP BY SHIP AND BRAND BY BRAND BASIS, FOR THE PURPOSE OF FACILITATING THE SMOOTH IMPORTATION OF CITRUS FROM THE UNITED STATES.

6. IN VIEW OF THE DOMESTIC SENSITIVITY TO THE PROBLEM OF FOOD ADDITIVES AS MENTIONED ABOVE, IT IS LIKELY TO INCUR A MOST UNDESIRABLE DOMESTIC REACTION IN JAPAN, IF THE GOVERNMENT OF THE UNITED STATES PLAYS UP THIS SUBJECT IN A POLITICAL MANNER. IT IS THEREFORE HOPED THAT THIS SUBJECT BE HANDLED IN AN EXTREMELY CAUTIOUS MANNER, PARTICULARLY IN RELATION TO THE PRESS. END TEXT.  
HODGSON

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## Message Attributes

**Automatic Decaptoning:** X  
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**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 JAN 1976  
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